

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

VICTAULIC COMPANY,

Plaintiff,

v.

ASC ENGINEERED SOLUTIONS, LLC,

Defendant.

Civil Action No. 1:20-cv-00887-CFC

JURY TRIAL DEMANDED

ASC ENGINEERED SOLUTIONS, LLC,

Counterclaim-Plaintiff,

v.

VICTAULIC COMPANY,

Counterclaim-Defendant.

DEFENDANT'S MOTION FOR BIFURCATION

Defendant ASC Engineered Solutions, LLC (“ASC”), respectfully moves the Court to bifurcate the contract issues from the patent issues in this case. The grounds for this motion are set forth in ASC’s opening brief and supporting materials filed concurrently herewith. A proposed order is attached.

Dated: July 21, 2022

Respectfully submitted,

MORRIS JAMES LLP

/s/ *Kenneth L. Dorsney*

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Solutions, LLC*

CERTIFICATION PURSUANT TO D. DEL. LOCAL RULE 7.1.1

Pursuant to D. Del. Local Rule 7.1.1, counsel for Defendant have made reasonable efforts to reach agreement with counsel for Plaintiff on the matters provided in this motion. Plaintiff remains opposed to Defendant's motion.

Dated: July 21, 2022

Respectfully submitted,

MORRIS JAMES LLP

/s/ Kenneth L. Dorsney

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Plaintiff ASC Engineered Solutions, LLC*

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JURY TRIAL DEMANDED

[PROPOSED] ORDER

Having considered Defendant ASC Engineered Solutions, LLC's ("ASC") Motion for Bifurcation and the opposition thereto,

IT IS HEREBY ORDERED that ASC's Motion for Bifurcation is GRANTED; and

IT IS HEREBY FURTHER ORDERED that:

The contract issues shall be tried separately from the patent issues, with contract issues to be tried first, and issues of infringement, invalidity, damages, and willfulness tried only if there is a finding that the allegedly infringing conduct is unauthorized.

IT IS SO ORDERED, this ____ day of _____, 2022.

Hon. Colm F. Connolly
United States District Chief Judge